

REMARKS

The present application was filed on July 17, 2003, with claims 1-38. Claims 1-38 are currently pending in the application. Claims 1, 16, 18, 23, 25, 34, 37 and 38 are the independent claims.

Claims 1, 5, 12-14, 16, 17, 25, 28, 33 and 38 are rejected under 35 U.S.C. §103(a) as being unpatentable over European Patent Application Publication No. EP1367752 (hereinafter "Sano") in view of U.S. Patent Application Publication No. US 2004/0047296 (hereinafter "Tzannes").

Claims 2-4, 6, 26, 27, 29 and 34 are rejected under §103(a) as being unpatentable over Sano and Tzannes, further in view of U.S. Patent No. 6,522,696 (hereinafter "Mobin").

Claims 7-9, 30 and 31 are rejected under §103(a) as being unpatentable over Sano, Tzannes and Mobin, further in view of U.S. Patent No. 6,215,827 (hereinafter "Balachandran").

Claims 10 and 32 are rejected under §103(a) as being unpatentable over Sano, Tzannes and Mobin, further in view of U.S. Patent Application Publication No. 2003/0157914 (hereinafter "Li").

Claim 11 is rejected under §103(a) as being unpatentable over Sano, Tzannes and Li, further in view of Balachandran.

Claim 15 is rejected under §103(a) as being unpatentable over Sano and Tzannes, further in view of Balachandran.

Claims 18-20, 23, 24 and 37 are rejected under §103(a) as being unpatentable over Sano, Tzannes and Mobin, further in view of Balachandran.

Claims 21 and 22 are rejected under §103(a) as being unpatentable over Sano, Tzannes, Mobin and Balachandran, further in view of Li.

Claim 36 is rejected under §103(a) as being unpatentable over Sano, Tzannes, Mobin and Balachandran, further in view of U.S. Patent Application Publication No. 2005/0130595 (hereinafter "Shurvinton").

Claim 35 is allowed.

In this response, Applicants respectfully traverse the §103(a) rejections. Applicants respectfully request reconsideration of the application in view of the remarks below.

On page 2, first paragraph, of the present Office Action, the Examiner contends that the Declaration of Prior Invention filed with the prior response on December 13, 2007, is ineffective to remove the Tzannes, Mobin, Li and Shurvinton references from consideration.

On page 2, second paragraph, the Examiner contends that Applicants have failed to submit sufficient evidence that the fourth inventor, Ra'anah Gil, could not be reached after diligent efforts. Applicants initially note that *Ex parte Foster*, 1903 C.D. 213, 214, 105 O.G. 261 (Comm'r Pat. 1903), as cited in MPEP 715.04, does not require such a showing in order for a declaration signed by a subset of the inventors to be accepted. Nonetheless, Applicants are submitting herewith an Attorney Affidavit and related exhibits which show that, despite diligent efforts on the part of Applicants and their attorneys, the fourth inventor was unable to be reached.

On page 2, third paragraph, the Examiner contends that the evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the aforementioned references because the exhibits "fail to show some important features of the invention such as generating at least one reference field based, at least in part, on the at least one field in the received signal and on a channel estimation signal, the channel estimation signal being distinct from the received signal and representative of at least one characteristic of the wireless communication channel."

Applicants respectfully disagree and submit that this feature is explicitly described in Exhibit 2 of the Declaration at page 2, third paragraph ("This implementation first scales the incoming samples according to the amplitude estimate of the channel and the power droop to position them around the reference points.") See also FIG. 1, showing the generation of a reference field based at least in part on SIGNAL-field (a field in the received signal) and amplitude_cor (a channel estimation signal distinct from the received signal and representative of at least one characteristic of the wireless communication channel).

Accordingly, it is believed that the previously-submitted Declaration is sufficient to demonstrate the conception and actual reduction to practice of an invention falling within the present independent claims at least as early as March 12, 2001, and thereby to remove the Tzannes, Mobin, Li and Shurvinton references from consideration.

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In view of the foregoing, claims 1-38 are believed to be in condition for allowance, and such favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Wayne L. Ellenbogen", with a long, sweeping horizontal line extending to the right.

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Wayne L. Ellenbogen
Attorney for Applicant(s)
Reg. No. 43,602
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-7662